THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.7703 of 2007

Between:

Pushpa Bai and another.

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PETITIONERS

and

The Revisional Authority, and others.

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RESPONDENTS

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ORDER:

It is stated that the Special Deputy Collector (Tribal Welfare), Adilabad-3rd respondent passed orders in Case Nos.TWA1/1285/87, TWA1/1286/87 and TWA1/1292/87, dated 14-08-1987, directing ejectment of non-tribals i.e., petitioners herein from the lands in question. Aggrieved by the said orders, the petitioners filed appeals before the 2nd respondent. The 2nd respondent through orders, dated 18-06-1990, dismissed the said appeals. Against the said orders, one Raghavulu, who is the husband of the 1st petitioner and one Sriramulu, who is the father of the 2nd petitioner, filed W.P.Nos.10488 of 1990, 10450 of 1990 and 10452 of 1990 on the file of this Court. This Court through orders, dated 27-02-2004, dismissed the said writ petitions. The petitioners have not questioned the said orders.

It appears that as the said orders have become final, the 4th respondent issued Notice in proceedings No.B/631/2004, dated 27-12-2006, to the petitioners asking them as to why they shall not be evicted from the lands in question, pursuant to the earlier orders and take the same to the Government custody. Aggrieved by the said Notice, the petitioners filed a representation before the 1st respondent along with stay application to suspend the operation of the said Notice. The 1st respondent vide letter No.1082/LTR-2/2007-2, dated 06-03-2007, rejected the request of the petitioners to suspend the proceedings issued in Notice No.B/631/2004, dated 27-12-2006. This writ petition has been filed questioning the said letter, dated 06-03-2007.

The learned counsel for the petitioners submits that in fact possession of the lands in question has already been taken by the 4th respondent, after conducting panchanama, on 05-01-2007.

The petitioners have not questioned the said action of the 4th respondent in taking possession of the lands in question. As the

petitioners have already been dispossessed from the lands in question, I do not see any merits to declare the said letter, dated 06-03-2007, issued by the Government as illegal and arbitrary. However, I am not inclined to express any opinion as to whether any such representation is pending against the Notice, dated 27-12-2006, which is only consequential one, pursuant to the earlier orders passed by the 1st respondent, dated 14-08-1987, which were also upheld by this Court in W.P.Nos.10488 of 1990, 10450 of 1990 and 10452 of 1990, dated 27-02-2004.

Accordingly, the writ petition is dismissed. However, the 1st respondent shall consider and dispose of the representation, if any and if it is maintainable, in accordance with law. There shall be no order as to costs.

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16-04-2007

Note:

Issue C.C. in three days

(B/o)

Prv